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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/666,380	09/19/2003	Tzvi Avnery	2251.2001-009	8508
21005	7590	03/24/2006	EXAMINER	
HAMILTON, BROOK, SMITH & REYNOLDS, P.C. 530 VIRGINIA ROAD P.O. BOX 9133 CONCORD, MA 01742-9133			MAYEKAR, KISHOR	
			ART UNIT	PAPER NUMBER
			1753	

DATE MAILED: 03/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/666,380	Applicant(s) AVNERY, TZVI	
	Examiner Kishor Mayekar	Art Unit 1753	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Oct. 14, 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>09/03</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-4, 8-12, 14-17, 20-24, 26 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Detzer (US 5,368,816) in view of Lee et al. (US 6,210,642 B1). Detzer's invention is directed to an air-conditioning method for eliminating harmful pollutants in recirculated indoor air. In paragraph crossing cols. 2 and 3, Detzer discloses one of the pollutants is disease-causing bacteria. In Fig. 1, Detzer discloses the method comprising the step of providing a duct for flowing air therethrough and positioning an ozone generator relative to duct to add ozone to the flowing air. The difference between Detzer and the above claims is the provision of an electron beam for disabling microorganisms within the air. Lee

shows in a method and apparatus for cleaning harmful ingredients contained in a waste gas by dissociating the ingredients by irradiation with electron beam that the method can be used as a cleaner in living spaces by its ozone generating function (col. 12, lines 21-37). Lee also shows the electron beam irradiating in a circle of a reaction unit over the whole region of the gas pathway (see abstract). The subject matter as a whole would have been obvious to one having ordinary skill in the art at the time the invention was made to have employed Lee's method for cleaning gas by irradiation with electron beam in Detzer's teachings because the selection of any of known equivalent generators capable of generating ozone in the air would have been within the level of ordinary skill in the art.

As to the subject matter of claims 3, 11, 16 and 23, Detzer discloses it in col. 3, lines 61-65.

3. Claims 6, 7 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Detzer '816 as modified by Lee '642 as applied to claims 1-4, 8-12, 14-17, 20-24, 26 and 27 above, and further in view of a prior art disclosed in Aoki et al. (US 4,961,830). The difference between the references as applied above and the instant claims is the provision of the recited shielding. A prior art to an e-beam

system disclosed in Fig. 2 of Aoki shows the limitation. The subject matter as a whole would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the references' teachings as shown in Fig.2 of the prior art in Aoki because selection of known material based on its suitability for the intended use has been held to be obvious, *In re Leshin* 125 USPQ 416.

As to the subject matter of claim 7, the motivation to make a specific structure is always related to the properties or uses one skilled in the art would expect the structure to have, *In re Newell* 13 USPQ 2d 1248, *Fromson v. Advance Offset Plate* 225 USPQ 26; *In re Gyurik* 201 USPQ 552.

4. Claims 5, 13, 18 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Detzer '816 as modified by Lee '642 as applied to claims 1-4, 8-12, 14-17, 20-24, 26 and 27 above, and further in view of Jones (US 5,925,320). The difference between the references as applied above and the instant is the provision of the recited reflector. Jones shows in air purification the provision of a reflector opposite to an radiation beam (Fig. 1 and col. 3, lines 57-62). The subject matter as a whole would have been obvious to one having ordinary skill in

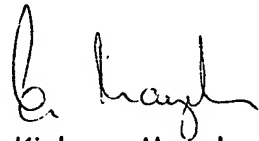
the art at the time the invention was made to have modified the references' teachings as shown by Jones because the provision of a reflector to reflect the radiation would increase the efficiency of the system in eliminating harmful pollutants in recirculated indoor air. Further, the motivation to make a specific structure is always related to the properties or uses one skilled in the art would expect the structure to have, *In re Newell* 13 USPQ 2d 1248, *Fromson v. Advance Offset Plate* 225 USPQ 26; *In re Gyurik* 201 USPQ 552.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kishor Mayekar whose telephone number is (571) 272-1339. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nam Nguyen can be reached on (571) 272-1342. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'K. Mayekar', is positioned above the printed name.

Kishor Mayekar
Primary Examiner
Art Unit 1753